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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/942,761	08/31/2001	Kevin McCarthy	367.40544X00	4282
20457	7590	04/26/2005	EXAMINER	
ANTONELLI, TERRY, STOUT & KRAUS, LLP 1300 NORTH SEVENTEENTH STREET SUITE 1800 ARLINGTON, VA 22209-3873			TRAN, TAM D	
			ART UNIT	PAPER NUMBER
			2676	

DATE MAILED: 04/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/942,761

Applicant(s)

MCCARTHY ET AL.

Examiner

Tam D Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 33-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11, 33-45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 5-8, 11, 33-35, 37, 38, 39, 40-43, 45, are rejected under 35 U.S.C. 102(e) as being anticipated by Armanto et al. (USPN 6094587).

2. In regard to claims 1, 33, Armanto teaches a method of handling operating characteristics of a profile in a communication terminal (mobile station), said communication terminal has a number of user selectable profiles (including ringing tone and graphic) each including a group of user adjustable operating characteristics (programming ringing tones), see col. 12 lines 35-50, comprising reception of a message including a group of user adjustable operating characteristics from a remote terminal transmitted via a communication channel (central unit received short message tone (notes) selected by user, and the note can be modify by user using keys 30a and 30b), see Fig.7b, col.12 lines 35-60, col.13 lines 55-67, and saving said group of user adjustable operating characteristics as a profile in said communication terminal (storing the selected notes in to the memory), see col.13 lines 58-60.

3. In regard to claim 40, Armanto teaches a method of handling operating characteristics of a profile in a communication terminal (mobile station), said communication terminal has a

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number of user selectable profiles (including ringing tone and graphic) each including a group of user adjustable operating characteristics (programming ringing tones), see col. 12 lines 35-50, comprising: bundling means to generate a message including a group of user adjustable operating characteristics (circuit and user interface that enable a ringing tone to be programmed), see col.9 lines 17-25, transmitting means to transfer said message to the communication terminal via a communication channel (sending short message tone (notes) selected by user, and the note can be modify by user using keys 30a and 30b), see Fig.7b, col.10 lines 15-25, col.12 lines 35-60, col.13 lines 55-67, where the communication terminal is able to save said group of user adjustable operating characteristics individually in each selectable group in said communication terminal (storing the selected notes in to the memory), see col.13 lines 58-60.

4. In regard to claims 2, 34, 43, Armanto teaches a method of handling operating characteristics of a profile in a communication terminal (mobile station), wherein said message includes a ringing tone and at least one graphical picture (graphic stave) for being stored in a profile selected by the user. See col.3 lines 34-45, col.12 lines 40-50.

5. In regard to claims 3, 35, Armanto teaches a method of handling operating characteristics of a profile in a communication terminal (mobile station) wherein said at least one graphical picture (graphic stave) is displayed in the display of said communication terminal in dependence of the operation thereof when the user has selected said profile for the communication terminal. See col.12 lines 40-50.

6. In regard to claims 5, 37, 45, Armanto teaches a method of handling operating characteristics of a profile in a communication terminal (mobile station), Wherein the message including bookmark information defining the location of a server document to be processed by

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the communication terminal, for being stored in a profile selected by the user. It is inherent that most of phones would display a phone number, which defines the location of caller.

7. In regard to claims 6, 38, 41, Armanto teaches a method of handling operating characteristics of a profile in a communication terminal (mobile station), wherein said remote terminal is a server (SM-SC), providing promotional content. See col.5 lines 19-32, col.9 lines 17-25.

8. In regard to claims 7, 39, 42, Armanto teaches a method of handling operating characteristics of a profile in a communication terminal (mobile station), wherein said remote terminal is a server, providing event driven content. See col.5 lines 19-32, col.9 lines 17-25.

9. In regard to claim 8, Armanto teaches a method of handling operating characteristics of a profile in a communication terminal (mobile station), wherein the communication terminal allows the user to discard from a received profile message after inspection of items included in the profile message (whether or not the mobile station has received the short message it can resend the short message). See col.6 lines 5-11.

10. In regard to claim 11, Armanto teaches a method of handling operating characteristics of a profile in a communication terminal (mobile station), wherein said message furthermore includes a name label (music clef) for the profile. See Fig. 7b.

### ***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 36, 44, is rejected under 35 U. S.C. 103(a) as being unpatentable over Armanto et al. (USPN 6094587) in view of Williamson et al (USPN 4999613).

12. In regard to claims 4, 36, 44, Armanto teaches a method of handling operating characteristics of a profile in a communication terminal (mobile station). Armato does not teach a message including calendar note, defining a date of an event. However, Williamson teaches a message including calendar note defining date of the event. See col.14 lines 20-30. It would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate the message of Williamson into the method of Armanto because a combination of Williamson's message and Armoto's device would provide an event type and event time for the transmission.

Claims 9, 10, are rejected under 35 U. S.C. 103(a) as being unpatentable over Armanto et al. (USPN 6094587) in view of Purdy et al. (USPN 6658254 B1).

13. In regard to claim 9, Armanto teaches a method of handling operating characteristics of a profile in a communication terminal (mobile station). Armanto does not teach at least one graphical picture includes a plurality of individual pictures and said pictures are displayed successively in order to create an animation. However, Purdy teaches pictures are displayed successively in order to create an animation (multimedia communication including graphic and animation). It would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate the multimedia communication of Purdy into the message of Armanto because a replacement of Purdy's multimedia communication from Armanto's message would

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provide a downloading of an animation clip to communication terminal to display the animation clip at any time.

14. In regard to claim 10, Armanto teaches a method of handling operating characteristics of a profile in a communication terminal (mobile station), wherein said animation is acting as a screen saver when the user has selected said profile for the communication terminal. It is inherence that an animation can be used as a screen saver.

### *Conclusion*

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Tam D. Tran** whose telephone number is **571-272-7793**. The examiner can normally be reached on MON-FRI from 8:30 – 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Matthew Bella** can be reached on **571-272-7778**. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tam Tran

*TT*

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Examiner

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A handwritten signature in black ink, reading "Matthew C. Bella". The signature is written in a cursive, flowing style.

MATTHEW C. BELLA  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600